

1 GEORGE S. CARDONA  
2 Acting United States Attorney  
3 CHRISTINE C. EWELL  
4 Chief, Criminal Division  
5 ROBB C. ADKINS  
6 Assistant United States Attorney  
7 Chief, Santa Ana Branch Office  
8 JEANNIE M. JOSEPH  
9 Assistant United States Attorney  
(Cal. State Bar # 180399)  
10 Ronald Reagan Federal Bldg. & U.S. District Courthouse  
11 411 W. 4<sup>th</sup> Street, Suite 8000  
12 Santa Ana, California 92701  
13 Telephone: (714) 338-3576  
14 Facsimile: (714) 338-3708  
15 Email: jeannie.joseph@usdoj.gov

16 Attorneys for Plaintiff  
17 UNITED STATES OF AMERICA

18 UNITED STATES DISTRICT COURT

19 FOR THE CENTRAL DISTRICT OF CALIFORNIA

20 SOUTHERN DIVISION

21 UNITED STATES OF AMERICA, ) SA CR No. 08-140-CJC  
22 Plaintiff, )  
23 v. ) REQUEST FOR DISMISSAL  
24 HENRY T. NICHOLAS, III, )  
25 Defendant. )  
26 \_\_\_\_\_)

27 On December 15, 2009, the Court ordered, among other things,  
28 dismissal of the criminal fraud case against DR. HENRY T.  
NICHOLAS, III (United States v. Henry T. Nicholas, III, SA CR 08-  
139-CJC) ("the fraud case"). At that time, the Court scheduled a  
hearing on February 2, 2010 for the government to show cause  
whether the above-captioned case charging DR. NICHOLAS with  
narcotics-related offenses ("the narcotics case") should proceed  
in light of the Court's December 15, 2009 ruling. As the

government has previously stated, it disagrees with the Court's findings and rulings in the fraud case. Nevertheless, in light of the Court's rulings, pursuant to Rule 48(a) of the Federal Rules of Criminal Procedure, the government hereby moves to dismiss the indictment against defendant HENRY T. NICHOLAS, III in the narcotics case.

Dated: January 7, 2010

Respectfully submitted,

GEORGE S. CARDONA  
Acting United States Attorney

ROBB C. ADKINS  
Assistant United States Attorney  
Chief, Santa Ana Branch Office

\_\_\_\_\_/s/\_\_\_\_\_  
JEANNIE M. JOSEPH  
Assistant United States Attorney

Attorneys for Plaintiff  
United States of America